

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

DINA IBARRA "DINA'S LITTLE CHILD CARE," SP 2014-MV-034 Appl. under Sect(s) 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 9221 Wildwood St., Lorton, 22079 on approx. 22,070 sq. ft. of land zoned R-1. Mt. Vernon District. Tax Map 107-4 ((2)) 1. (Decision deferred from 6/25/14 and 7/16/14.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 6, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. The Board has a favorable staff recommendation.
3. The development conditions dated August 6, 2014, address the issues that were a concern when we heard the case. In particular, Development Condition which requires the play equipment to be relocated within the yard to conform with the provisions of Sect. 10-104 of the Zoning Ordinance.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Dina Ibarra, Dina's Little Child Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 9221 Wildwood Street, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "House Location Survey, Lot 1," prepared by Daniel K. Andrews, Land Surveyor, dated April 23, 2004, as revised by Dina Ibarra, through December 11, 2013, and approved with this application, as qualified by these development conditions.

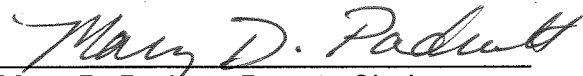
3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. Within 12 months from the date of this hearing, the fence shall be brought into compliance with Sect. 10-104, or a separate special permit shall be applied for by the applicant and diligently pursued.
11. The evergreen tree to the left of the driveway shall be trimmed or removed to improve sight distance for drivers backing out of the driveway.
12. The applicant must either hire a certified arborist to inspect all trees located near the current location of the play equipment, or move the equipment to another area of the yard away from trees.
13. All play equipment shall be relocated within the yard to conform with the provisions of Sect. 10-104 of the Zoning Ordinance.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals